

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

RECEIVED

MAY 19 2005

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 31-11845
	)	
	)	EXHIBIT 1:
	)	AFFIDAVIT OF CARTER FRITSCHLE DATED
Case No. 39576	)	MAY 19, 2006
	)	
	)	
	)	

STATE OF IDAHO)
) ss.
County of Ada)

CARTER FRITSCHLE, being first duly sworn on oath, deposes and states as follows:

1. I am an employee of the Idaho Department of Water Resources ("IDWR") holding the title of Section Manager, Technical Support Section of the Adjudication Bureau. I work from the State office in Boise, Idaho.

COPY

2. My duties include investigating and recommending water rights claimed in the Snake River Basin Adjudication ("SRBA"), and the training of IDWR staff in the state and regional offices in claims review. I also review claim recommendations completed by IDWR staff for accuracy prior to the filing of Director's Reports. I have conducted numerous field investigations for water right claims filed in the SRBA. I am familiar with the above claim and finalized the recommendation.

3 Water right no. 31-11845 has its genesis in licensed water right no. 31-7311. Water right no. 31-7311 was licensed on September 4, 1997, after years of review by the Department. The primary focus of review for this license was the nature and extent of beneficial use for the uncultivated pasture that has now been recommended as water right no. 31-11845 in the SRBA.

4. After much consideration, the Department issued the license for water right no. 31-7311 with a diversion rate of 4.62 cfs and 367.5 af for 461 acres. These acres were irrigated, cultivated cropland.

5. The Department considered many options to try and recognize the Claimant's application of water to the uncultivated pasture. The notes in the file indicate that the Department considered splitting the water right into A and B portions to account for the different volumes needed to irrigate the pasture land and the cultivated cropland. However, instead of splitting the water right, the Department included a condition that stated:

Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21 and 22 of Township 7 North, Range 34 East, B.M., but this additional use is not an appurtenance of the land upon which it occurs.

Water Right License 31-7311, a true and correct copy of this document is attached as Exhibit 2.

The Department also included a condition that stated if any transfer is filed to move water from

the pasture land then in reviewing that transfer “the director [may consider] the entire use of water on the uncultivated pasture land referenced above . . . and action [by the director] may include modification or curtailment of all or any part of the use of water on the uncultivated pasture land.” These conditions were an attempt to recognize that the water user applies water to the pasture land, even though the Claimant was not able to prove beneficial use at the time of licensing. The conditions also guard against injury and expansion if the Claimant ever attempted to transfer the water off the property to more productive ground. Attached hereto as Exhibit 3 is a true and correct copy of a memorandum dated July 23, 1997 from Shelley Keen to the water right file that sets forth the rationale for the conditions. Volume is not included in license no. 31-7311 as it relates to the use of water on the uncultivated pasture. Exhibit 2, Water Right License No. 31-7311.

6. The major concern for the Department in issuing the license for water right no. 31-7311 was volume. This is demonstrated by numerous documents in the license file. Attached hereto as Exhibit 4 is a true and correct copy of a memorandum dated August 22, 1986 to the file from the field examiner, John Arambarri. The memorandum states: “It was obvious that the pasture needs and receives less acre feet per annum than the grain crop, and I recommend the licensing volume be reduced accordingly for the pasture land.” Attached hereto as Exhibit 5 is a true and correct copy of a letter dated March 3, 1989 from Gary Spackman with the Department to the claimant, Mr. Jernberg that states: “The Department has struggled to determine how much water to license for the native growth. It is not logical that it should receive the same amount of water as cultivated cropland. This letter is a request for any information which you may have regarding total annual volume of water” which is applied to the pasture. Attached hereto as Exhibit 6 is a letter dated July 31, 1995 from Shelley Keen with the Department to claimant, Mr.

Jernberg that states in part: “we are still trying to quantify the beneficial use you receive from irrigating hundreds of acres of uncultivated pasture . . . it is not logical that the volume of water required is the same as that required to grow marketable crops. . . . We need to know the total annual volume (in acre-feet or gallons) of water pumped . . . and the portion of that volume . . . applied to the 663 acres of uncultivated pasture.” No decision was ever made with regard to how much volume should be associated with the uncultivated pasture land.

7. In addition, the number of acres actually ever irrigated by Mr. Jernberg for uncultivated pasture has not been resolved. A review of aerial photography and my depiction using Arcview of what looked irrigated in 1987 is closer to 324 acres than 663 acres. Aerial photography dated June 26, 1987, shows that approximately one-half of the uncultivated pasture and acres looks like it received benefit of irrigation. Attached hereto as Exhibit 7 is a true and correct copy of the NAPP photograph dated June 26, 1987 that I examined. Attached as Exhibit 8 is a true and correct copy of the NAPP photograph dated July 23, 1987. Exhibit 8 shows even less land that looks like it received benefit of irrigation.

8. I reviewed Mr. Contor’s affidavit and his attached report dated March 22, 2005. Mr. Contor had earlier sent me his GIS shapefiles he used to illustrate Figures 1 and 2 in this report where he states he found “318 acres of ‘robust’ irrigated pasture, and 235 acres of ‘marginal’ irrigated pasture”. Mr. Contor included in his analysis lands that were not owned by Mr. Jernberg. Mr. Contor included lands owned by Wilcox Brothers and BLM. After deleting the lands not owned by Mr. Jernberg, I concluded that the maximum number of acres within the uncultivated pasture land that was described by John Arambarri in the August 21, 1986, field exam that could have been irrigated, based on Mr. Contor’s analysis of the 1987 aerial

photography, is 493.7. Although, as set forth below, my analysis of the acres irrigated does not support this many irrigated acres within the place of use in question.

9. On May 15, 2006, I conducted a field inspection of the place of use in question under claim no. 31-11845. The following persons were present: Ben Jernberg, Diehl Gross, Bryce Contor, Michael P. Tribe, Candice McHugh, and David J. Barber. I took pictures of the place of use and prepared a location map that documents the locations where the pictures were taken. Attached to this Affidavit are true and correct copies of the following described documents from this field examination:

Exhibit No.	Description
9	Location Map
10	Photo 2: Looking northwesterly towards Jeep.
11	Photo 3: Looking northeasterly from the east fence. The brush is typical of the vegetative cover within the 663 acres of the place of use..
12	Photo 4: Looking north along the east fence. The building and green field in the background are on an adjacent landowner. The points of diversion are located in front of the building on the land of the adjacent landowner.
13	Photo 5: Looking west along the east fence.
14	Photo 6: Looking southwesterly along the east fence.
15	Photo 7: Looking south along the east fence.
16	Photo 11: Looking southwesterly from the end of a ditch.
17	Photo 13: Looking southeasterly from ditch bank.
18	Photo 18: Looking north from ditch bank.
19	Photo 19: Looking easterly at slide gates in ditch.
20	Photo 20: Looking westerly at small depression.

10. My earlier review of the aerial photography led me to conclude the maximum number of irrigated acres within the uncultivated pasture land was approximately 324 total acres. This total number of acres was consistent with the fact that water right no. 31-2395 is also used on the uncultivated pasture land, and it was licensed for 324 acres. A true and correct copy of water right license no. 31-2395 is attached as Exhibit 21. Now, using the information collected from the field inspection conducted on May 15, 2006, I have modified my GIS shapefiles to

reflect the areas that can physically receive irrigation water through the distribution system on the uncultivated pasture land within the place of use shown in the 1986 field exam. The calculation of the total number of irrigated acres within the uncultivated pasture land based on my revised shapefiles is 324.5 acres.

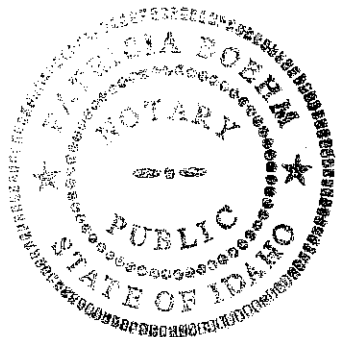
11. Finally, the ditch system in the eastern portion of the uncultivated pasture land appears to be designed to connect several depressions of various sizes that are naturally occurring topographic features of the land. By filling the ditches, and thus the depressions with water, the natural vegetation in the vicinity of the ditch or depression receives benefit from this application of water. However, the benefit appears to be limited to the immediate area around the ditch or depression and does not include the entire eastern portion of the property as shown in Exhibit C attached to Mr. Contor's affidavit.

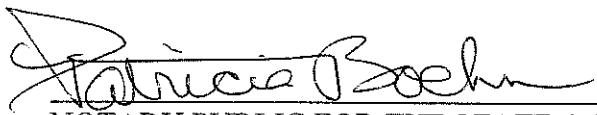
12. A true and correct copy of water right license no. 31-02357 is attached as Exhibit 22.

13. Further your affiant sayeth naught


CARTER FRITSCHLE

SUBSCRIBED AND SWORN to before me this 19th day of May 2006.




NOTARY PUBLIC FOR THE STATE OF
IDAHO
Residing at: Boise ID
My Commission expires: 11/16/09

CERTIFICATE OF MAILING

I certify that on this 19th day of May, 2006, I caused to be served the original and copies of this AFFIDAVIT OF CARTER FRITSCHLE DATED MAY 19, 2006 on the following persons by the indicated methods:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
- HAND DELIVERY

2. Copies to the following persons:

Roger D. Ling
Michael P. Tribe
LING, ROBINSON & WALKER
Attorneys at Law
615 H Street
P.O. Box 396
Rupert, ID 83350

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

STATEHOUSE
MAIL

United States Department of Justice U. S. MAIL
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Chief of Natural Resource Division (not applicable)
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449


DAVID J. BARBER
Deputy Attorney General

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 31-07311

Priority: April 23, 1979

Maximum Diversion Rate:

4.62 CFS

Maximum Diversion Volume:

367.5 AF

This is to certify, that DAVID R JERNBERG
BEN D JERNBERG

3170 SYCAMORE LN
BILLINGS MT 59102

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 20, 1979; and has submitted Proof of Beneficial Use on August 2, 1984. An examination indicates that the works have a diversion capacity of 19.280 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.62 CFS	367.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 10, Township 07N, Range 34E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	34E	9	NESE 33	SWSW 27	SESE 26	86
		10	NWSW 4	SWSW 28		32
		15	NWNW 39	SWNW 5		44
		16	NENE 39	NWNE 40	SWNE 34	
			NENW 40	NWNW 39	SWNW 38	
			SENW 34	NWSW 20	NWSE 15	299

Total number of acres irrigated: 461

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

SCANNED

AUG 20 2006

MICROFILMED
SEP 10 1987

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 31-07311

CONDITIONS OF APPROVAL AND REMARKS

6. Water diverted under this right, and an additional 4.99 cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of Township 7 North, Range 34 East, B.M., but this additional use is not an appurtenance of the land upon which it occurs.
7. Two points of diversion are located in the SESW, S10, T7N, R34E.
8. Rights 31-02357 and 31-02395 are also diverted from the points of diversion described above.
9. Any application for transfer proposing to change the point of diversion, place of use, nature of use, or period of use of this right or any portion of this right shall include for consideration by the director the entire use of water on the uncultivated pasture land referenced above. Action taken by the director on any such transfer application may include modification or curtailment of all or any part of the use of water on the uncultivated pasture land.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 5TH
day of SEPTEMBER, 1992.

Acting for


KARL J. DREHER Director

MICROFILMED

SEP 10 1997

MEMORANDUM

DATE: July 23, 1997

TO: Water Right File 31-07311

FROM: Shelley W. Keen *SWK*

RE: Conditions of Approval

When licensing right 31-07311, please include the following conditions of approval, which are intended to:

1. Authorize Mr. Jernberg's historical practice of diverting water onto uncultivated pasture in order to foster growth of native forage plants.
2. Guard against water use expansion via the conversion of the pasture use to the irrigation of a more consumptive cultivated crop.

Water diverted under this right, and an additional ^{4.99}~~7.93~~ cfs of ground water diverted from the points of diversion described above, may also be diverted onto 663 acres of uncultivated pasture located in Sections 15, 16, 21, and 22 of Township 7 North, Range 34 East, B. M., but the right to this additional use is not an appurtenance of the land upon which it occurs.

Any transfer of this right changing the place of use or nature of use of the right shall require that a proportional share of the irrigation occurring on the land described as the place of use under this right shall be discontinued. In addition, the entire additional use of water upon uncultivated pasture shall be permanently discontinued.

MICROFILMED

SEP 10 1997

KAWRMEMOS3107311.DOC

31-7311

8-22-86

From John Arambare
To File 31-7311

RECEIVED

OCT 9 1986

Subj Place of Use

Department of Water Resources

Two distinctly different irrigation uses were found. One use was for the irrigation of a grain crop; the other being irrigation for enhancement of natural vegetation used as cattle pasture (see photos).

I feel that possibly the crop land and pasture land should be licensed separately. It was obvious that the pasture needs and receives less acre feet per annum than the grain crop, and I recommend the licensing volume be reduced accordingly for the pasture land.

The grain crop is outlined in solid yellow on the ~~area~~ aerial photo, ~~white~~ and the pasture is out lined in red dashed lines.

MICROFILMED
SEP 10 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

March 3, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Ben D. Jernberg and
David R. Jernberg
P.O. Box 1442
Billings, MT 59103

RE: Permit to appropriate water no. 31-7311

Gentlemen:

Permit to appropriate water no. 31-7311 was examined by an Idaho Department of Water Resources Examiner in 1986. The examiner found approximately 1124 acres irrigated in Section 9, 10, 15, 16, 21, and 22 of T7N, R34E, B.M., Jefferson County. Of the acreage irrigated approximately two-thirds of the land was, for the most part, uncultivated pasture with mixed sage brush and native growth.

The Department has struggled to determine how much water to license for the native growth. It is not logical that it should receive the same amount of water as cultivated cropland.

This letter is a request for any information which you may have regarding total annual volume of water which you may have pumped from the two wells located in SE1/4SW1/4, Section 10, T7N, R34E. The volumes should probably reflect volume pumped prior to August 2, 1984, but any volume after the measurement would be helpful.

If you fail to submit the above requested information within thirty (30) days the department will reduce the flow rate and annual volume under permit 31-7311 to an amount that is commensurate with a presumed diversion for uncultivated lands.

Sincerely,

Gary Spackman, Manager
Water Right Permits Section

cc: Eastern Region

MICROFILMED
SEP 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

July 31, 1995

PHILIP E. BATTI
GOVERNOR

KARL J. DREHER
DIRECTOR

BEN W JERNBERG
PO BOX 1442
BILLINGS MT 59103

RE: Water Right No. 31-07311

Dear Mr. Jernberg:

I am writing in response to your inquiry about Water Right No. 31-07311. Your right has not been licensed because we are still trying to quantify the beneficial use you receive from irrigating hundreds of acres of uncultivated pasture. The annual diversion volume authorized on most licensed irrigation rights in Idaho is based on the requirements of cultivated crops. While you may get some benefit from applying water to uncultivated pasture land, it is not logical that the volume of water required is the same as that required to grow marketable crops.

In the interest of obtaining your license, you may be able to help us with the information we need. We need to know the total annual volume (in acre-feet or gallons) of water pumped from your two wells and the portion of that volume (in acre-feet or gallons) applied to the 663 acres of uncultivated pasture. If you are unable to determine exact volumes, we could possibly use information on the portion of the total flow rate (cfs, gallons per minute, or inches) diverted to the pasture and how many hours or days the flow is diverted to the pasture land each growing season. We would prefer information showing volumes prior to 1984, but any figures after that year would be helpful as well.

If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK

MICROFILMED

SEP 10 1997

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

EXHIBIT 19

PHOTO 19: LOOKING EASTERLY AT SLIDE GATES IN DITCH



EXHIBIT 18

PHOTO 18: LOOKING NORTH FROM DITCH BANK



EXHIBIT 17

PHOTO 13: LOOKING SOUTHEASTERLY FROM DITCH BANK



EXHIBIT 16

PHOTO 11: LOOKING SOUTHWESTERLY FROM THE END OF A DITCH



EXHIBIT 15

PHOTO 7: LOOKING SOUTH ALONG THE EAST FENCE

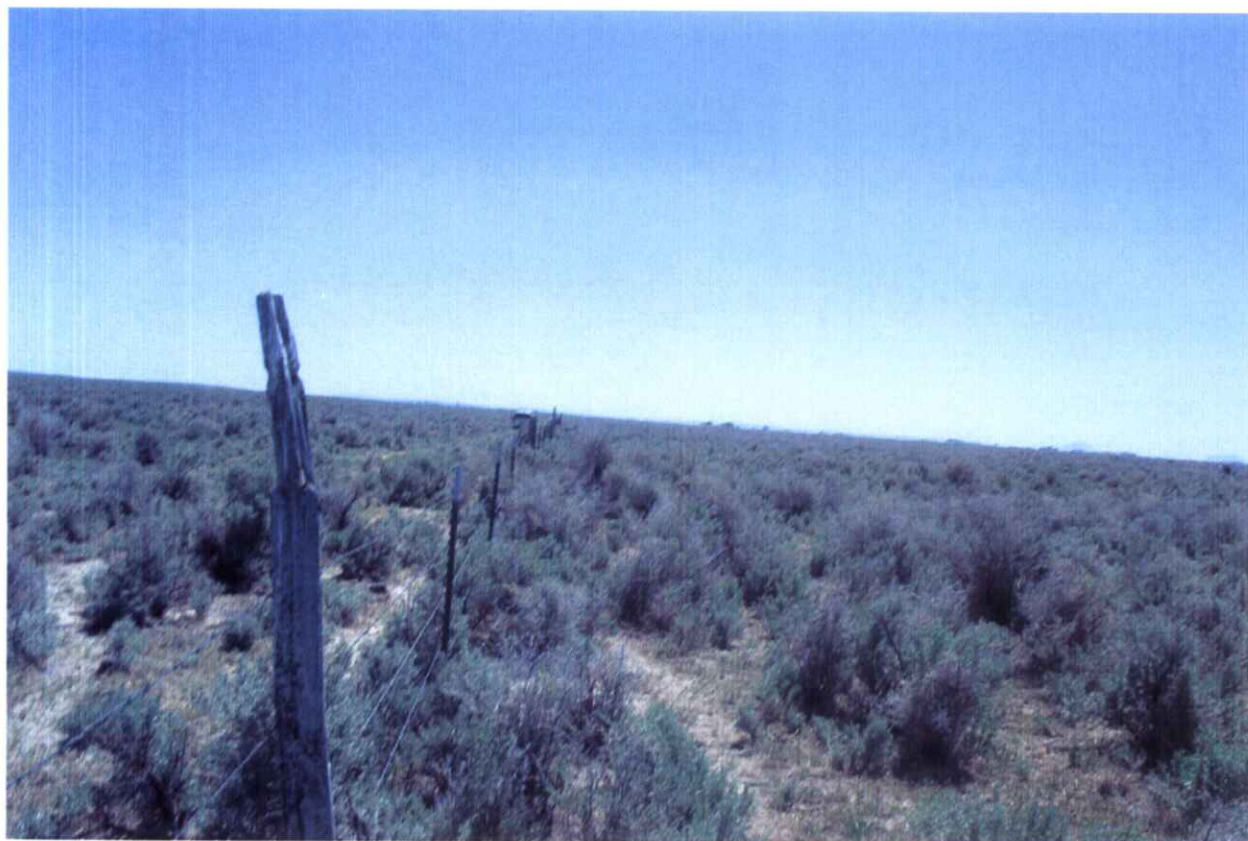


EXHIBIT 14

PHOTO 6

LOOKING SOUTHWESTERLY ALONG THE EAST FENCE

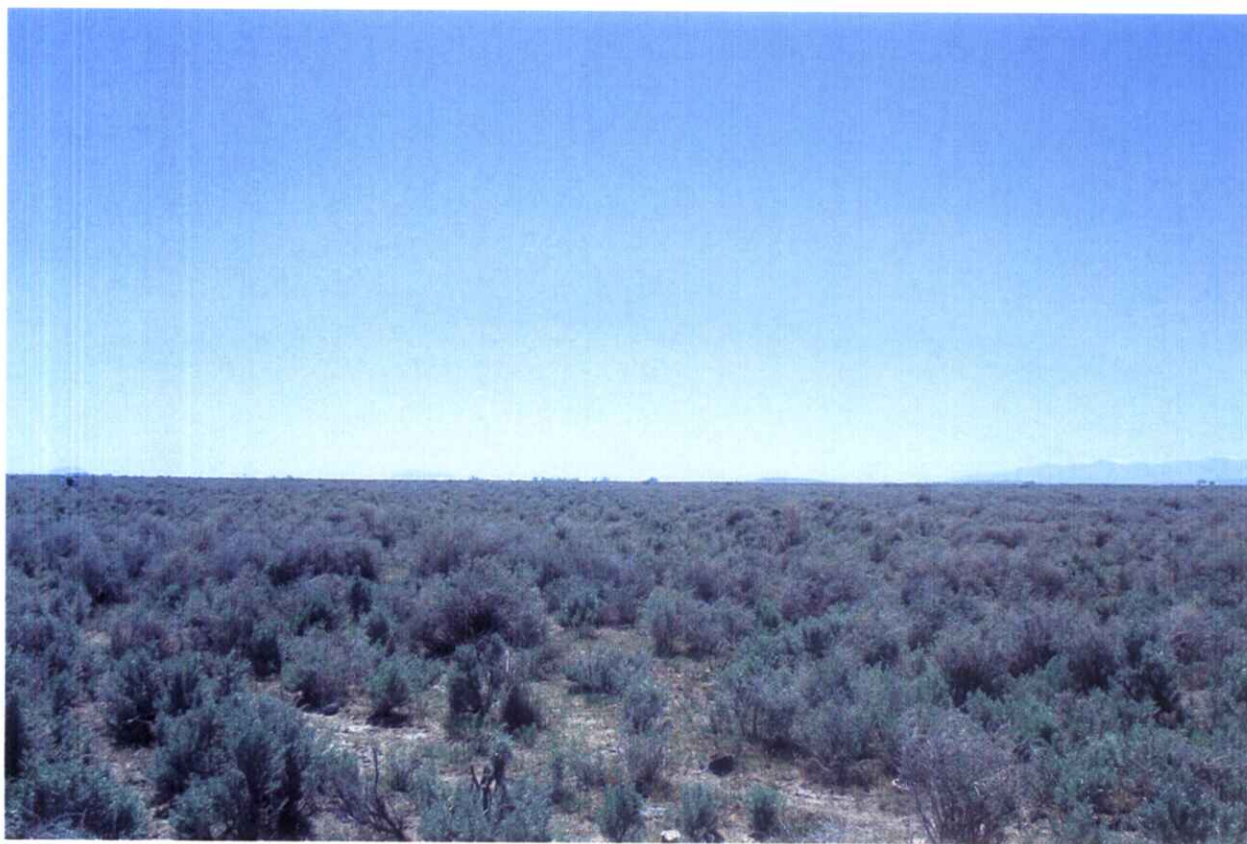


EXHIBIT 13

PHOTO 5: LOOKING WEST ALONG THE EAST FENCE

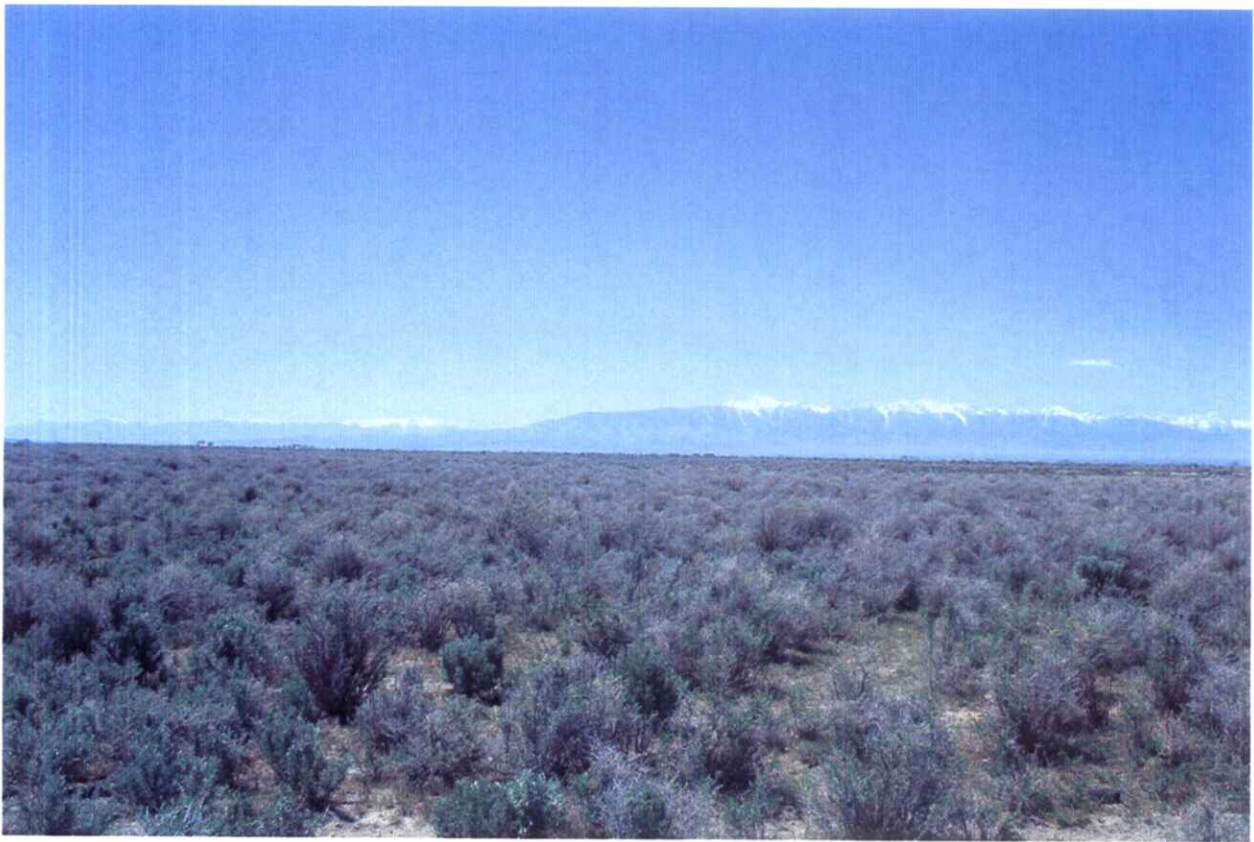


EXHIBIT 12

PHOTO 4: LOOKING NORTH ALONG THE EAST FENCE



EXHIBIT 11

PHOTO 3: LOOKING NORTHEASTERLY FROM THE EAST FENCE.

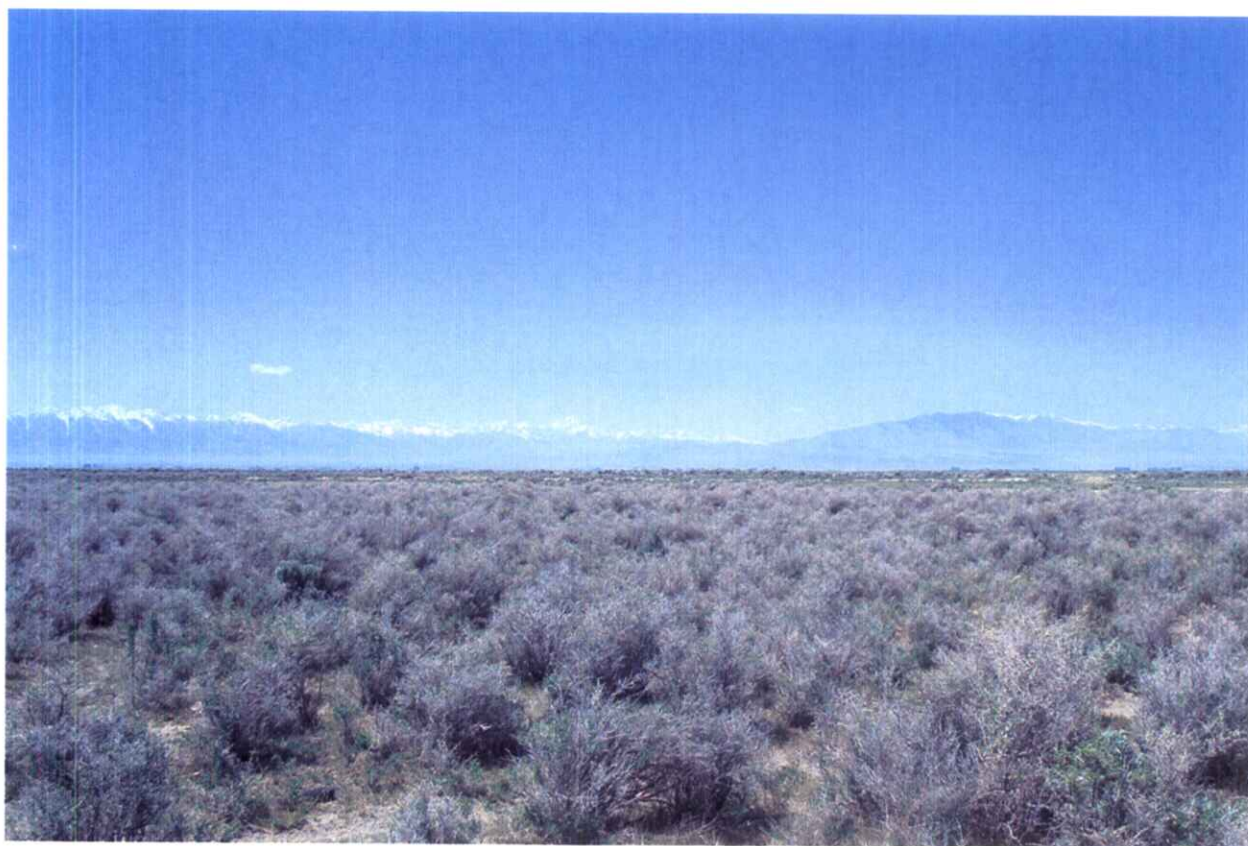


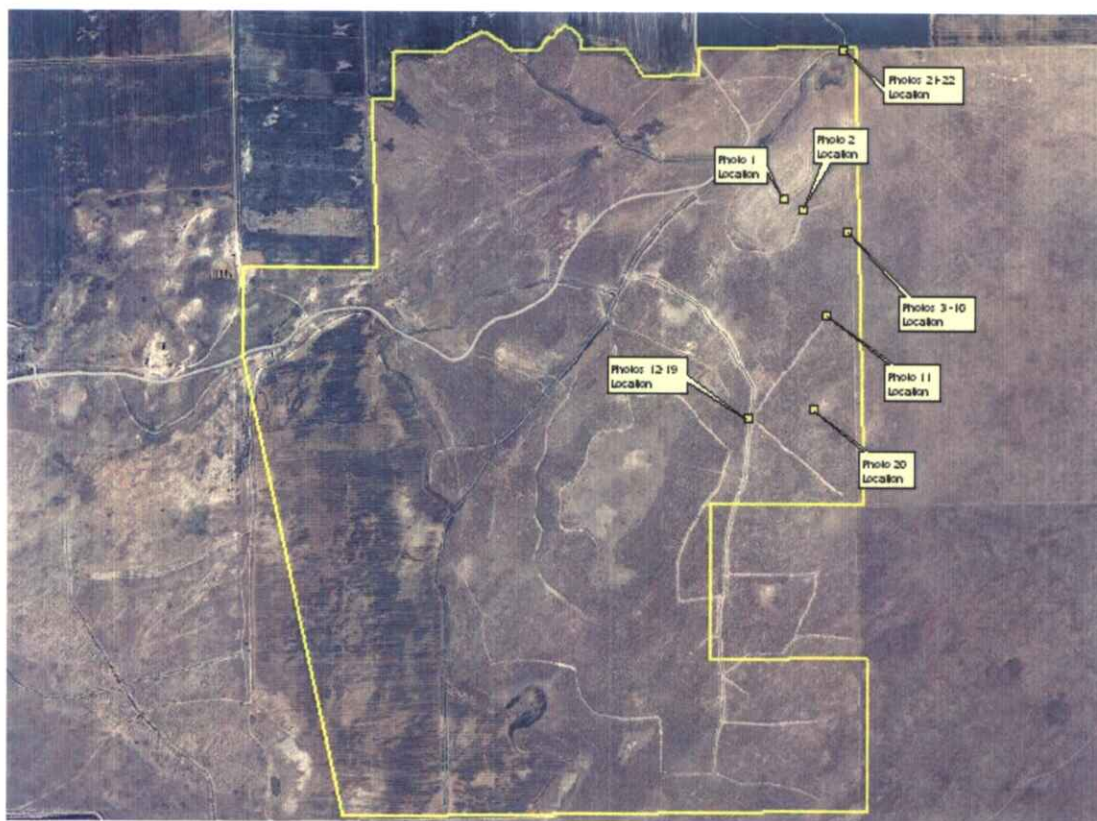
EXHIBIT 10

PHOTO 2: LOOKING NORTHWESTERLY TOWARDS JEEP



EXHIBIT 8:
LOCATION MAP

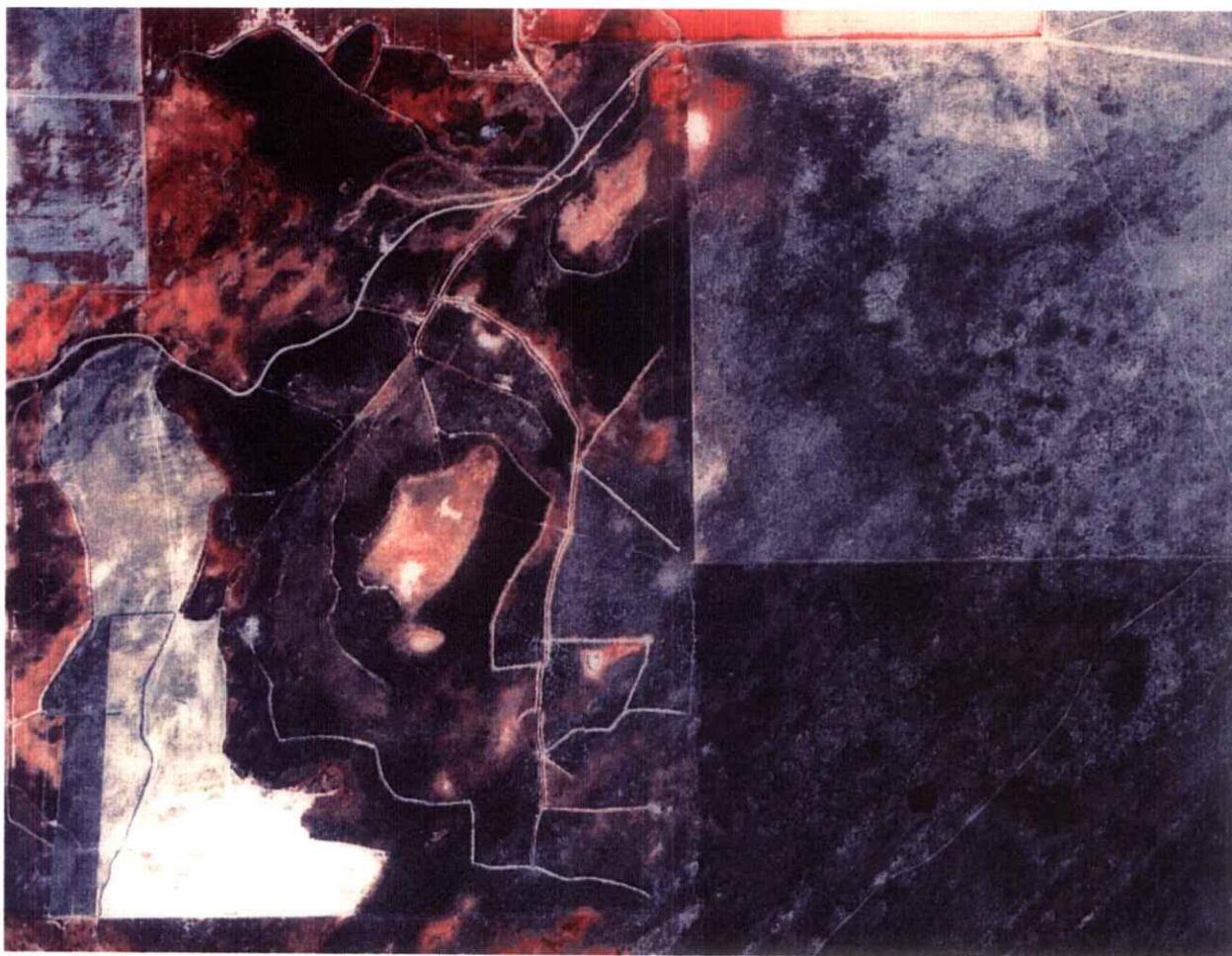
May 15, 2006 Field Exam Photo Locations



900 0 900 1800 2700 3600 4500 5400 Feet

2004 NAIP Photo





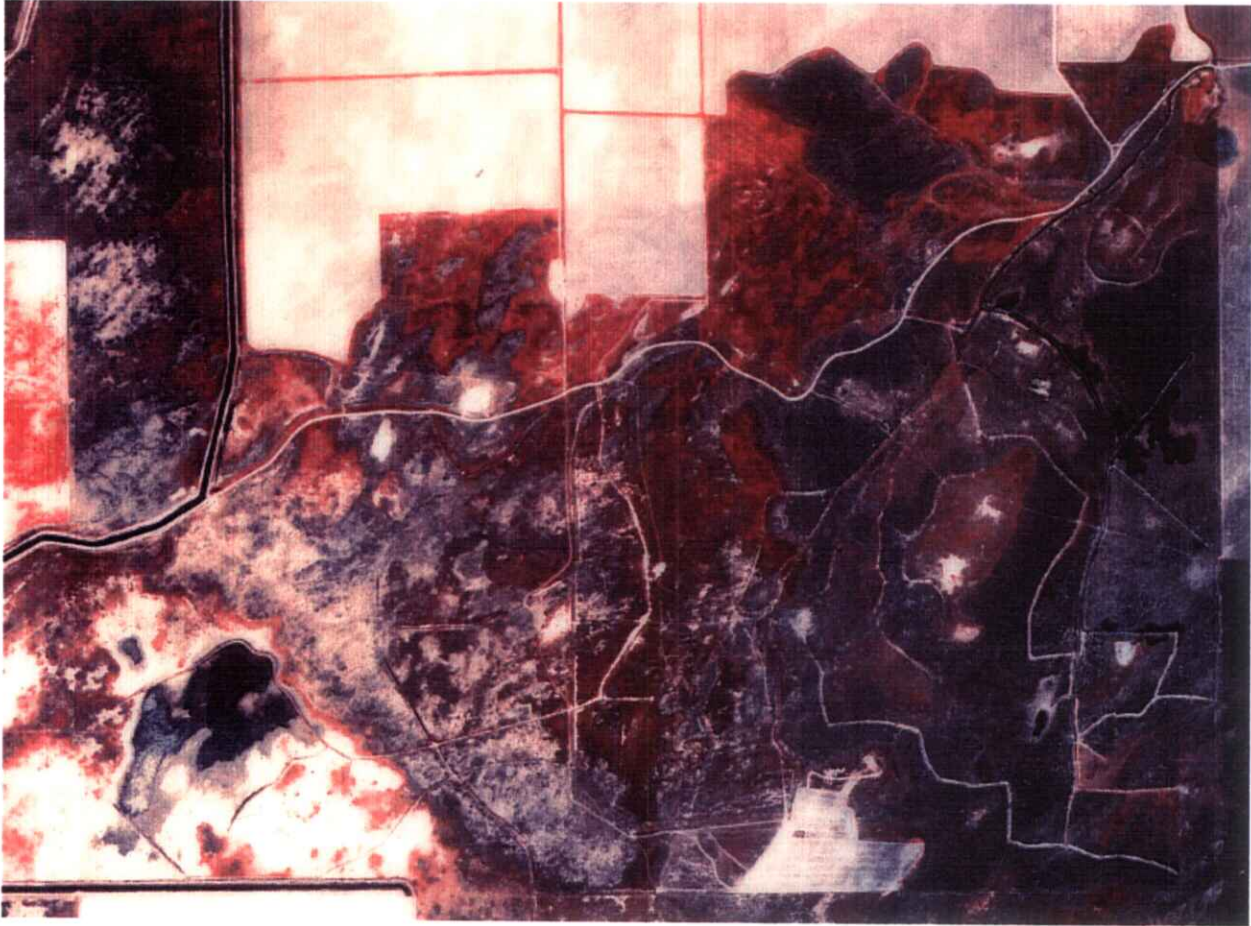
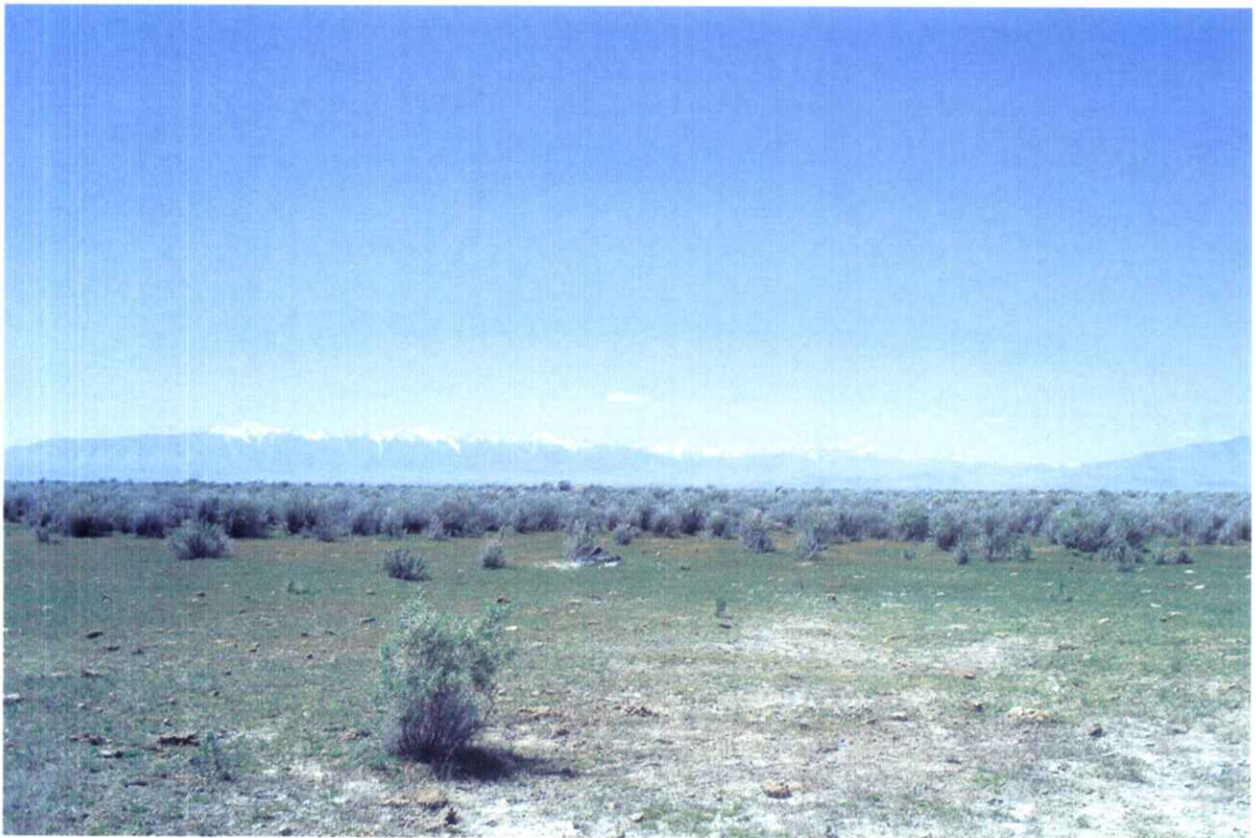


EXHIBIT 20

PHOTO 20: LOOKING WESTERLY AT SMALL DEPRESSION



State of Idaho

License and Certificate of Water Right

Water License No. G-30241 Priority October 9, 1961 Amount 3.65 c.f.s.

THIS IS TO CERTIFY that DAVID R. JERNBERG

of Terreton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 9, 1961; that Permit No. G-30241 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.65 second feet, was issued thereunder on March 14, 1968, showing that said works were completed on the 3 day of October, 1966; and that on the 3 day of October, 1966 DAVID R. JERNBERG

of Terreton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation & stock watering under Use Permit No. G-30241 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~xx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ on the 14 day of March, 1968

The right hereby confirmed dates from October 9, 1961
The Point of Diversion is located in the SE 1/4 SW 1/4, Sec. 10, Twp. 7 N., R. 34 E., B.M. Jefferson County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.65 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N	34 E	15	SW 1/4 NW 1/4	8	6
			SE 1/4 NW 1/4	16	16
			NW 1/4 SW 1/4	6	5
			SW 1/4 SW 1/4	15	16
		16	SE 1/4 NE 1/4	15	15
			NE 1/4 SE 1/4	20	20
			NW 1/4 SE 1/4	25	25
			SW 1/4 SE 1/4	35	35
		21	SE 1/4 SE 1/4	15	15
			NE 1/4 NE 1/4	15	15
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	32	32
			SE 1/4 NE 1/4	28	28
			NE 1/4 NW 1/4	35	35
			SE 1/4 NW 1/4	22	22
		Total number of acres irrigated:			324

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 14 day of March, 1968

[Signature]
State Reclamation Engineer

SCANNED

MAY 15 2008

31 2395

30241

State of Idaho **License and Certificate of Water Right**

Water License No. G-26615 Amount 4.6 c.f.s.
Water District No. _____ Priority November 13, 1956

THIS IS TO CERTIFY that **DAVID R. JERNBERG**
of **Terraton, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **November 13, 1956**; that Permit No G-26615 was issued under said application; that Certificate of Completion of works, with a carrying capacity of **4.6** second feet, was issued thereunder on **June 13, 1962**, showing that said works were completed on the **27th** day of **November, 1961**; and that on the **27th** day of **November, 1961**,

DAVID R. JERNBERG
of **Terraton, State of Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No G-26615 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **12** of Licenses at page **7295** on the **13** day of **June, 1962**;
The right hereby confirmed dates from **November 13, 1956**;

The Point of Diversion is located
in the **SE 1/4 SW 1/4, Sec. 10, Tp. 7 N R. 3 E. B. M.** County **Jefferson**
That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **4.6** cubic feet per second

Description and location of use:

Twp	Range	Sec	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	34 E.	9	NE 1/4 SW 1/4	33	25
			SW 1/4 SW 1/4	38	35
			SE 1/4 SW 1/4	35	35
			SW 1/4 SW 1/4	29	23
		10	SW 1/4 SW 1/4	35	28
			NW 1/4 SW 1/4	17	15
			SW 1/4 SW 1/4	37	35
			NW 1/4 NW 1/4	39	40
		16	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			Total number of acres to be irrigated:	356	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer affixed at Boise, Idaho, this
13th day of **June, 1962**.

(SEAL)

RALPH W. THOMAS
Deputy State Reclamation Engineer

31 2357